

PENNIE &amp; EDMONDS LLP DOCKET NO. 9124-003-999

**DECLARATION  
AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. underneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

**AN IMPROVED APPARATUS AND METHOD FOR PROVIDING A PROVIDER-SELECTED MESSAGE IN RESPONSE TO A USER  
REQUEST FOR USER-SELECTED INFORMATION**

and for which a patent application:

☒ is attached hereto and includes amendment(s) filed on \_\_\_\_\_ (if applicable)

☐ was filed in the United States on \_\_\_\_\_ as Application No. \_\_\_\_\_ (for declaration not accompanying application)

with amendment(s) filed on \_\_\_\_\_ (if applicable)

☐ was filed as PCT international Application No. \_\_\_\_\_ on \_\_\_\_\_ and was amended under PCT Article 19 on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

APPLICATION NUMBER	FILING DATE

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED

POWER OF ATTORNEY: As a named inventor, I hereby appoint S. Leslie Mirock (Reg. No. 18872), Harry C. Jones, III (Reg. No. 20280), Benj A. Terzian (Reg. No. 20060), Gerald J. Flinstoff (Reg. No. 20823), David Weild III (Reg. No. 21004), Jonathan A. Marshall (Reg. No. 24414), and D. D. D.

PENNIE &amp; EDMONDS LLP DOCKET NO. 9124-003-999

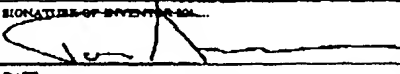
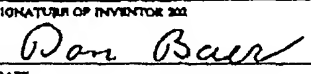
(Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Isaac Jarkovsky (Reg. No. 22713), Joseph V. Colaianni (Reg. No. 20019), Charles E. McKeeney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis B. Morris (Reg. No. 24615), Charles B. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), James N. Palik (Reg. No. 25510), Thomas E. Friebe (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Jon R. Stark (Reg. No. 30111), Allan A. Fanucci (Reg. No. 30256), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Samuel B. Abrams (Reg. No. 30605), Steven I. Wallach (Reg. No. 35402), Marcia H. Sundeen (Reg. No. 30893), Paul J. Zegger (Reg. No. 33821), Edmond R. Bannon (Reg. No. 32110), Bruce J. Barker (Reg. No. 33291), Adriane M. Antler (Reg. No. 32605), Ann L. Gisolfi (Reg. No. 31956), SaraLynn Mandel (Reg. No. 31853), Mark A. Farley (Reg. No. 33170), and James G. Markey (Reg. No. 31636), all of Pennie & Edmonds LLP, whose addresses are 1155 Avenue of the Americas, New York, New York 10036, 1667 K Street N.W., Washington, DC 20006 and 3300 Hillview Avenue, Palo Alto, CA 94304, and each of them, my attorneys, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith.

**SEND CORRESPONDENCE TO:** PENNIE & EDMONDS LLP  
1155 AVENUE OF THE AMERICAS  
NEW YORK, N.Y. 10036-2711

**DIRECT TELEPHONE CALLS TO:**  
PENNIE & EDMONDS LLP DOCKETING  
(212) 790-2803

201	<b>FULL NAME OF INVENTOR</b>	<b>LAST NAME</b> Amon	<b>FIRST NAME</b> Thomas	<b>MIDDLE NAME</b> C.	
	<b>RESIDENCE &amp; CITIZENSHIP</b>	<b>CITY</b> Santa Ana	<b>STATE OR FOREIGN COUNTRY</b> California	<b>COUNTRY OF CITIZENSHIP</b> United States	
	<b>POST OFFICE ADDRESS</b>	<b>STREET</b> 2401 N. Fairmont	<b>CITY</b> California	<b>STATE OR COUNTRY</b> CA	<b>ZIP CODE</b> 92706
201	<b>FULL NAME OF INVENTOR</b>	<b>LAST NAME</b> Baer	<b>FIRST NAME</b> Dan	<b>MIDDLE NAME</b> M.	
	<b>RESIDENCE &amp; CITIZENSHIP</b>	<b>CITY</b> Santa Ana	<b>STATE OR FOREIGN COUNTRY</b> California	<b>COUNTRY OF CITIZENSHIP</b> United States	
	<b>POST OFFICE ADDRESS</b>	<b>STREET</b> 417 E. 22nd Street	<b>CITY</b> Santa Ana	<b>STATE OR COUNTRY</b> CA	<b>ZIP CODE</b> 92706
201	<b>FULL NAME OF INVENTOR</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>MIDDLE NAME</b>	
	<b>RESIDENCE &amp; CITIZENSHIP</b>	<b>CITY</b>	<b>STATE OR FOREIGN COUNTRY</b>	<b>COUNTRY OF CITIZENSHIP</b>	
	<b>POST OFFICE ADDRESS</b>	<b>STREET</b>	<b>CITY</b>	<b>STATE OR COUNTRY</b>	<b>ZIP CODE</b>

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

<b>SIGNATURE OF INVENTOR 201</b> 	<b>SIGNATURE OF INVENTOR 202</b> 	<b>SIGNATURE OF INVENTOR 203</b>
<b>DATE</b> 8/8/97	<b>DATE</b> 8/8/97	<b>DATE</b>
<b>SIGNATURE OF INVENTOR 204</b>	<b>SIGNATURE OF INVENTOR 205</b>	<b>SIGNATURE OF INVENTOR 206</b>
<b>DATE</b>	<b>DATE</b>	<b>DATE</b>

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of: Thomas C. Amon and Dan M. Baer  
☐ Patent of:

☐ Application No.: To be assigned  
☐ Patent No.:

Group Art Unit: To be assigned

☐ Filed:  
☐ Issued:

Examiner: To be assigned

For: AN IMPROVED APPARATUS AND  
METHOD FOR PROVIDING A PROVIDER-  
SELECTED MESSAGE IN RESPONSE TO A USER  
REQUEST FOR USER-SELECTED  
INFORMATION

Attorney Docket No.: 9124-003

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
[37 CFR 1.9(f) and 1.27(b)] - Independent Inventor

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled "An Improved Apparatus and Method for Providing a Provider-Selected Message in Response to a User Request for User-Selected Information" described in

- ☒ the specification filed herewith  
☐ application no. filed  
☐ patent no. issued

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☐ no such person, concern, or organization  
☒ persons, concerns or organizations listed below\*

\*NOTE: Separate verified statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities.  
(37 CFR 1.27)

100017641-103101

FULL NAME Thomas C. AmonADDRESS 2401 N. FairmontSanta Ana, California 92706☒ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT  
ORGANIZATION

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT  
ORGANIZATION

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT  
ORGANIZATION

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT  
ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.28 (b)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, and patent issuing thereon, or any patent to which this verified statement is directed.

Send correspondence to:

PENNIE & EDMONDS LLP  
1155 Avenue of the Americas  
New York, N.Y. 10036-2711

Direct Telephone calls to:

PENNIE & EDMONDS LLP  
(212) 790-9090

NAME OF INVENTOR Thomas C. Amon	NAME OF INVENTOR Dan M. Baer	NAME OF INVENTOR
SIGNATURE OF INVENTOR <i>Thomas C. Amon</i>	SIGNATURE OF INVENTOR <i>Dan M. Baer</i>	SIGNATURE OF INVENTOR
DATE 8-8-97	DATE 8-8-97	DATE
NAME OF INVENTOR	NAME OF INVENTOR	NAME OF INVENTOR
SIGNATURE OF INVENTOR	SIGNATURE OF INVENTOR	SIGNATURE OF INVENTOR
DATE	DATE	DATE

FOOTNOTES

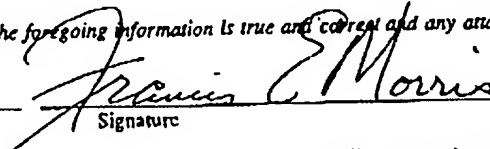
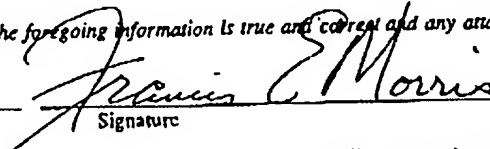
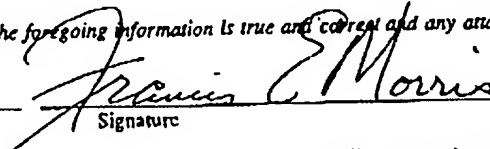
Express Mail No.: EM 074 005 813 US

# RECORDATION FORM COVER SHEET PATENTS ONLY

Attorney Docket Number  
**9124-003**

TO THE HONORABLE COMMISSIONER OF PATENTS AND TRADEMARKS  
Box Assignment  
Washington, DC 20231

Please record the attached original documents or copy thereof.

<p>1. Name of conveying party(ies): <b>Dan M. Baer</b></p> <p>Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>		<p>2. Name and address of receiving party(ies): Name: <b>Thomas C. Amon</b> Address: <b>2401 N. Fairmont</b> <b>Santa Ana, CA</b> <b>92706</b> Country (if other than USA): _____</p>							
<p>3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____</p> <p>Execution Date: <b>August 8, 1997</b></p>									
<p>4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is: <b>August 8, 1997</b></p> <table border="0"> <tr> <td>A. Patent Application No.(s)</td> <td>B. Patent No.(s)</td> </tr> </table> <p>Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>				A. Patent Application No.(s)	B. Patent No.(s)				
A. Patent Application No.(s)	B. Patent No.(s)								
<p>5. Name and address of party to whom correspondence concerning document should be mailed:  <b>PENNIE &amp; EDMONDS LLP</b> 1155 Avenue of the Americas New York, NY 10036</p>		<p>6. Number of applications and patents involved: <b>01</b></p> <p>7. Total fee (37 CFR 3.41): .....\$ <b>40.00</b> Please charge to the deposit account listed in Section 8.</p> <p>8. Deposit account number: <b>16-1150</b></p>							
DO NOT USE THIS SPACE									
<p>9. Statement and signature. <i>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.</i></p> <table border="0"> <tr> <td><b>Francis E. Morris</b></td> <td></td> <td><b>August 11, 1997</b></td> </tr> <tr> <td>Name of Person Signing</td> <td>Signature</td> <td>Date</td> </tr> </table> <p>Total number of pages including cover sheet: <b>02</b></p>				<b>Francis E. Morris</b>		<b>August 11, 1997</b>	Name of Person Signing	Signature	Date
<b>Francis E. Morris</b>		<b>August 11, 1997</b>							
Name of Person Signing	Signature	Date							

Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patents & Trademarks, Box Assignment  
Washington, D.C. 20231

PENNY-6175411

\*\* TOTAL PAGE.030 \*\*

**SOLE  
ASSIGNMENT**

WHEREAS, I, Dan M. Baer, ASSIGNOR, citizen of the United States, residing at 417 E. 22nd Street, Santa Ana, California 92706, am the inventor of the invention in

**AN IMPROVED APPARATUS AND METHOD FOR PROVIDING A PROVIDER-SELECTED MESSAGE IN  
RESPONSE TO A USER REQUEST FOR USER-SELECTED INFORMATION**

for which I have executed an application for a Patent of the United States

which is executed on ☒ even date herewith or ☐ \_\_\_\_\_ (date)

which is identified by Pennie & Edmonds LLP docket no. 9124-003-999

☐ which was filed on \_\_\_\_\_, Application No. \_\_\_\_\_

and WHEREAS, Thomas C. Amon, ASSIGNEE is desirous of obtaining my entire right, title and interest in, to and under the said invention and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, I, the said ASSIGNOR, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, my entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND I HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND I HEREBY covenant and agree that I have full right to convey the entire interest herein assigned, and that I have not executed, and will not execute, any agreement in conflict herewith.

AND I HEREBY further covenant and agree that I will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to me respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 8 day of August, 1997.

State of CA )

County of Orange ) SS.:



Dan M Baer L.S.

On this 8 day of August, 1997, before me, a Notary Public in and for the State and County aforesaid, personally appeared \_\_\_\_\_, to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be his free act and deed.

Angela M. Pacheco

Express Mail No.: EM 074 005 813 US**PENNIE & EDMONDS LLP**COUNSELLORS AT LAW  
1155 Avenue of the Americas  
New York, N.Y. 10036-2711  
(212) 790-9090ATTORNEY DOCKET NO. 9124-003Date August 11, 1997Assistant Commissioner for Patents  
Box PATENT APPLICATION  
Washington, D.C. 20231

Sir:

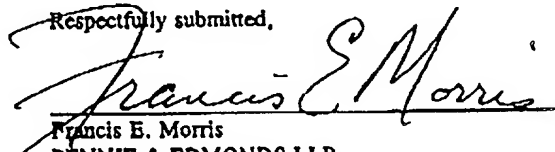
The following utility patent application is enclosed for filing:

Applicant(s): Thomas C. Amon and Dan M. BaerExecuted on: 08/08/1997Title of Invention: An Improved Apparatus and Method for Provider-Selected Message In Response to a User Request For User-Selected InformationPages of Specification Fifteen (15) pagesSheets of Drawings 2**PATENT APPLICATION FEE VALUE**

TYPE	NO. FILED	LESS	EXTRA	EXTRA RATE	FEE
Total Claims	11	-20	0	\$22.00 each	0.00
Independent	7	-3	4	\$80.00 each	320.00
Minimum Fee					770.00
Multiple Dependency Fee If Applicable (\$260.00);					
Total					1,090.00
50% Reduction for Independent Inventor, Nonprofit Organization or Small Business Concern (a verified statement as to the applicant's status is attached)					545.00
Total Filing Fee					\$ 545.00

Please charge the required fee to Pennie &amp; Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.

Respectfully submitted,

  
Francis E. Morris 24,615  
PENNIE & EDMONDS LLP (Reg. No.)

Enclosure

This form is not for use with re-issue, design or plant patent applications.